

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

Crl.Rev.Pet.No. 806 of 2000()

CRA.9/1998 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.373/1994 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA
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REVN. PETITIONER:

1. GOPINATHAN S/O.PADMANABHAN,
DHARMAVILASOM VEEDU, WARD NO.IX,
PATTANAKKADU PANCHAYAT.
2. SARASWATHI AMMA, D/O.KOCHUNCALI PARU, DO.DO

BY ADV. SRI.P.R.VENKITESH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON CRL.M.P.NO.4266/2000 IN CRL.R.P.NO.806/2000

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

30/10/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

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Crl.R.P.No.806 of 2000
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Dated this the 30th day of October, 2007

O R D E R

The revision petitioners are accused 1 and 2 in C.C.No.373/1994 who stands convicted for the offences under Sections 323 and 324 I.P.C read with Section 34 of the Indian Penal Code and sentenced to pay a fine of Rs.500/- and in default to undergo simple imprisonment for one month for the offence under Section 323 I.P.C and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for two months for the offence under Section 324 I.P.C. The appellate court just dismissed the appeal for non prosecution. It is submitted that on the particular date the counsel missed the posting date of the case and that he was present on all the previous posting dates. In the circumstances and in view of the fact that the decision is not on merits, the order of the Sessions Judge dated 29/05/2000 in Crl.A.No.9/1998 is herewith set aside. The court below is directed to dispose of the matter by a considered order after hearing. The matter shall stand posted before the Sessions Judge on 30/11/2007.

The criminal revision petition is disposed of as above.

**K.R.UDAYABHANU,
Judge**

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K.R.UDAYABHANU, J.

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Crl.R.P.No.806 of 2000
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O R D E R

30th October, 2007